

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

LARRY USHER,

Petitioner,

v.

DON JARRIEL, Warden,

Respondent.

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Case No. 5:09-cv-9 (HL)

**ORDER**

This case is before the Court on the Recommendation (Doc. 16) of United States Magistrate Judge Claude W. Hicks, Jr. on Petitioner Larry Usher's Petition for Writ of Habeas Corpus (Doc. 1) (the "Petition"). The Recommendation recommends dismissing the Petition as untimely filed. Petitioner failed to file an objection before the time proscribed by the Recommendation, but this Court granted Petitioner an extension to file any objections he had. Petitioner has now filed his Objection (Doc. 21). Pursuant to 28 U.S.C. § 636(b)(1), the Court has thoroughly considered Petitioner's Objection and has made a de novo determination of the portions of the Recommendation to which Petitioner objects.

The Court, however, accepts and adopts the findings, conclusions and recommendations of the Magistrate Judge. The Recommendation is adopted and made the order of this Court. The Petition (Doc. 1) is denied.

**SO ORDERED**, this the 9<sup>th</sup> day of November, 2009.

*s/ Hugh Lawson*  
HUGH LAWSON, JUDGE

jch